

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JAMES G. ABOUREZK,

* CIV 03-4146

Plaintiff,

vs.

PROBUSH.COM, INC.,
a Pennsylvania Corporation,

* RULE 16
* SCHEDULING ORDER

Defendants.

*

Counsel for the parties having held a planning meeting in compliance with Fed.R.Civ.P. 26(f), and submitted a report thereon, and now, therefore,

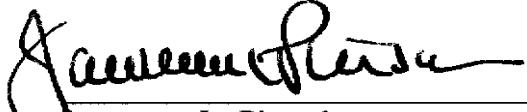
IT IS ORDERED:

1. That the Report of Parties' Planning Meeting is hereby approved and adopted by the Court.
2. That the parties shall have until September 17, 2004, to move to join additional parties and to amend the pleadings.
3. That all discovery, including expert discovery, shall be commenced in time to be completed by March 31, 2005, and a maximum of twenty-five (25) interrogatories by each party to any other will be allowed, and responses thereto shall be due thirty (30) days after service. Discovery responses must be supplemented as additional information is available.
4. That there will be a maximum of six (6) depositions for each party, excluding depositions of experts.
5. That the identity of and reports from retained experts under Rule 26(a)(2) shall be due from Plaintiff by November 5, 2004, and from Defendant by February 15, 2005; any supplementations thereto under Rule 26(e) shall be due twenty (20) days prior to trial.
6. That a deposition may be taken of each designated expert.

7. That all motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before May 2, 2005; that opposing parties shall file and serve answering materials and briefs on or before May 23, 2005; and reply briefs shall be filed and served on or before June 3, 2005.
8. That final lists of witnesses and exhibits under Rule 26(a)(3) shall be filed and served by Plaintiff and by Defendant ten (10) working days before trial, and the parties shall have five (5) days after service of such lists to file and serve objections thereto under Rule 26(a)(3).
9. That all motions not previously disposed of will be heard and a pre-trial conference will be held on Monday, July 11, 2005, at 9:00 A.M. The lawyer who will be the lead trial counsel at trial for each of the parties is to be in attendance at the pre-trial conference unless specifically excused by the Court from being in attendance.
10. All motions in limine, with supporting authority, shall be in writing and filed, together with proposed instructions, with supporting authority, with the Court ten (10) working days before trial.
11. That jury trial will commence in Sioux Falls, South Dakota, on Tuesday, August 9, 2005, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
12. That the parties shall promptly contact the Magistrate so that the possibility of settlement discussion with the assistance of the Magistrate can be pursued.
13. That the schedule herein may be modified by the Court upon a showing of good cause.

Dated this 25th day of August, 2004.

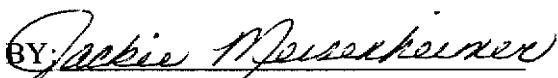
BY THE COURT:



Lawrence L. Piersol
Chief Judge

ATTEST:

JOSEPH HAAS, CLERK ,



BY: _____
DEPUTY